

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JOHN C. DUVALL,)
Petitioner,)
vs.) Case No. 4:05-CV-2363 AGF
CAROLYN J. CONNERS, LARRY)
CRAWFORD and JAY NIXON,)
Respondents.)

ORDER OF VOLUNTARY DISMISSAL
PURSUANT TO FED. R. CIV. P. 41(a)

This matter is before the Court upon petitioner's motion voluntarily to dismiss his petition for a writ of habeas corpus. On December 22, 2005, while this action was under review pursuant to 28 U.S.C. § 1915, petitioner submitted a motion to dismiss requesting that this action be voluntarily dismissed, without prejudice. See Fed. R. Civ. P. 41(a). Because no show cause order has issued and respondent has not filed a response, the Court will grant petitioner's request to dismiss voluntarily his 28 U.S.C. § 2254 petition.

Therefore,

IT IS HEREBY ORDERED that petitioner's motion to dismiss voluntarily his petition for a writ of habeas corpus [Doc. # 4], without prejudice, is **GRANTED**.

Dated this 3rd day of January, 2006.

Audrey G. Fleissig
UNITED STATES MAGISTRATE JUDGE